HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 801 of 2006

Sohanveer Singh s/o Sri Shyam Singh
Village Burahadi, P.s. Purkaji
District Muzaffarnagar at present Gurukul Narsan,
P.S. Manglaur, District Haridwar ..... Applicants

Versus

1. State of Uttaranchal
2. Sri S.S. Negi Supply Officer, Block Narsan,
Tehsil Roorkee, District Haridwar ..... Respondents

Dated: 28.11.06

Hon'ble Rajesh Tandon, J.

Heard Sri Manish Arora counsel for the applicant and learned A.G.A for the respondents.

By the present application under section 482 Cr.P.C. the applicants have challenged the order dated 25.8.2006 in case Crime No. 198 of 2005 State vs. Sohanveer Singh under section 3/7 E.C. Act, P.s. Manglaur, District Haridwar.

According to the applicant, F.I.R. was lodged by the respondent no. 2 in Police Station Mangalaur under section 3/7 E.C. Act, in case Crime No. 198 of 2006 and the Police has recovered Gas cylinders and a Jipsy No. D.D.A. 6865 from the possession of the applicant. An application for release of jeep was filed by the applicant in the Court of Chief Judicial Magistrate, Haridwar, claiming himself the owner of the vehicle. The application has been rejected by the Chief Judicial Magistrate, Haridwar vide order dated 25.8.2006.

Petitioner has confined his prayer for invoking the provisions of Section 457 (2) of the Code of Criminal Procedure for the release of Jipsy No. DDA 6865 during the investigation and trial. Section 457 (2) Cr.P.C. is quoted below:

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.

In view of the above, the Chief Judicial Magistrate, Haridwar is directed to release Jipsy No. DDA 6865 after obtaining sufficient security to his satisfaction.

Subject to the observations made above, application under Section 482 Cr.P.C. is disposed of.

Dated: 28.11.2006 **Rajesh Tandon, J.**

*Dhyani